

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ARCHIE LEE THOMAS,

Petitioner,

v.

CASE NO. 02-73840

HONORABLE LAWRENCE P. ZATKOFF

KENNETH ROMANOWSKI,

Respondent.

**ORDER DENYING CERTIFICATE OF APPEALABILITY AND
DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

Petitioner Archie Lee Thomas has appealed the Court's Opinion and Judgment denying his Motion for Relief from Judgment. Currently pending before the Court are Petitioner's Motion for Certificate of Appealability [dkt 56] and Application to Proceed *In Forma Pauperis* on Appeal [dkt 57]. After a thorough review of Petitioner's submissions, the Court finds that Petitioner's appeal would be frivolous. *Hence v. Smith*, 49 F. Supp. 2d 547, 549 (E.D. Mich. 1999).

Accordingly, Petitioner's Motion for Certificate of Appealability and Application to Proceed *In Forma Pauperis* on Appeal and are DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 28, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 28, 2008.

s/Marie E. Verlinde

Case Manager

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